

1 Broadcasters mandate under the
2 Communications Act and its predecessor the Radio
3 Act of 1927. It's to broadcast in the public
4 interest, convenience and necessity. Those words
5 were added to the Radio Act by its principle
6 author, Washington's United States Senator
7 Clarence C. Dill from Spokane.

8 Maybe by peeling away the varnish of
9 more than 80 years worth of interpretation of the
10 courts, Congress, and the Commission and
11 understanding what Senator Dill saw as the
12 purpose of those words in his mind, perhaps we
13 can shed some light on what the the Commission is
14 deliberating about right now.

15 In the 1960s during a meeting in
16 Spokane Senator Dill was asked how he developed
17 the phrase "in the public interest, convenience
18 and necessity." And by way of paraphrase, here's
19 what he said. We struggled with a phrase that
20 could qualify as the purpose of the act, and a
21 Congress committee staffer on loan to our
22 committee suggested the wording which was part of

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1 the Railway Act of 1922.

2 It seemed that the wording as applied
3 to railroads with multiple demands for lucrative
4 routes could apply to broadcasting. As for its
5 application to broadcasting, public interest
6 meant that broadcasters should use their
7 facilities to present information and
8 entertainment of interest to the audience.

9 The term convenience meant that
10 broadcasting at its reception should be
11 convenient for the listener. Remember in those
12 days radios were very cumbersome pieces of
13 furniture with several dials that had to be
14 adjusted in order to listen to a station. In
15 fact, that is where is the term "tuning in"
16 originated.

17 To Senator Dill necessity meant that
18 radio broadcasting should be so interesting and
19 so convenient that it would become a necessary
20 part of the people's everyday lives.

21 Local broadcasters play a vital and
22 active role in the lives of every Washington

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1 community every day. Washington's radio and
2 television stations are managed and staffed by
3 Washingtonians. They live here. They work here.
4 They care deeply about their commitment to their
5 schools, their government, and they share an
6 abiding passion for serving those communities.

7 When disaster strikes, local
8 broadcasters are the information lifeline of the
9 community. When food banks or blood banks run
10 low on supplies, broadcasters sound the alarm,
11 and a crisis is averted.

12 Local broadcasters work hand in hand
13 with their communities' law enforcement agencies
14 to recover abducted children quickly and safely.

15 At election time Washington
16 broadcasters dedicate thousands of hours of
17 programming to insuring that candidates can reach
18 voters outside of the realm of paid attack ads,
19 and local broadcasters do more to get out the
20 vote than any other media.

21 In 1974 there were only 7,500 radio
22 stations and about 900 television stations on the

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1 air. Today there are nearly 14,000 radio
2 stations, nearly 2,000 television stations. As
3 more and more stations are taking to the air,
4 every station has had to do its very best to
5 distinguish itself from the others, not to
6 mention the staggering proliferation of cable and
7 satellite channels.

8 Listeners now demand more specialized
9 and narrow programming than ever. In fact, we're
10 a niche culture. We expect to get exactly what
11 we want and only what we want, nothing more,
12 nothing less, exactly when we want it. We won't
13 wait for 45 minutes for news at the top of the
14 hour even through our favorite music because we
15 don't have to. We know we can get news on
16 another station right when we want it.

17 The underlying assumption upon which
18 the regulation of free over-the-air broadcasting
19 is based is now 80 years old, and it's been
20 eclipsed by technology and abandoned by the
21 public.

22 I'm not referring to the idea that the

1 airwaves belong to the public, nor is it about
2 doing away with the public interest standard. We
3 have never shirked those obligations and
4 responsibility. I'm referring to the idea that
5 stations can serve the public interest only by
6 being all things to all people all the time.

7 The all things to all people paradigm
8 was appropriate when there were only a handful of
9 stations in any city, and many cities relied on
10 stations at some distance to provide their own
11 broadcast coverage. Today it neither reflects
12 the expectations of the public its designed to
13 serve nor the reality of the broadcast
14 marketplace.

15 Out of necessity broadcasters have
16 followed the expectations of the public. They
17 know they can't get a Pepsi at Starbucks, and
18 they don't expect to hear the Brandenburg
19 Concertos on an all sports station. It's about
20 the public long ago having abandoned the
21 expectation that every broadcaster must serve the
22 need of every listener regardless of what else

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1 they find on the radio dial or that TV remote
2 control.

3 And it's about time that the Federal
4 Communication Commission catches up with them to
5 confront the worn out all things to all people
6 paradigm and bring the public interest standard
7 in conformity with the expectations of the
8 citizens it's designed to serve and adopt modern
9 media ownership rules according.

10 Thanks for the opportunity.

11 (Booing.)

12 MODERATOR SIGALOS: Thank you, Mr.
13 Allen.

14 (Booing.)

15 MODERATOR SIGALOS: Please.

16 Ms. Hindman.

17 MS. HINDMAN: Chairman Martin,
18 Commissioners McDowell, Copps, and Adelstein,
19 thank you for the opportunity to speak to you
20 today. I'm a board member for Up the
21 Communication for the United Church of Christ and
22 also a professor at the Edward R. Murrow School

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1 of Communication at Washington State University.
2 Murrow is from Washington State and we try to
3 live his legacy of independence and ethical
4 behavior.

5 Today I want to talk to you about your
6 obligations as Commissioners. You are the
7 stewards of the U.S. broadcast system. A steward
8 is responsible for the property of another and is
9 charged with caring for it wisely. The broadcast
10 system belongs to the American people.

11 (Applause.)

12 MS. HINDMAN: The public is the owner,
13 and you are our stewards. Your task is to
14 determine how best to serve the public interest.
15 I would suggest to you, however, that that task
16 has been done. That choice has been made for you
17 by looking at the history.

18 In 1934 Congress gave you a charge.
19 As the stewards of the American broadcasting
20 system you are to "make available to all the
21 people of the United States without
22 discrimination a radio communication service."

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1 Those words from the Communication Act are clear,
2 direct, and unequivocal. Your responsibility is
3 to all the people, including those who would not
4 be served well by your proposed changes.

5 (Applause.)

6 MS. HINDMAN: In 1943 the U.S. Supreme
7 Court considered an issue not unlike what faces
8 you today. The two major radio networks were
9 chafing at FCC requirements. In that case the
10 Court understood the balance you must strike
11 between the wishes of private enterprise and the
12 needs of the American public. And the courts
13 sided clearly with the American public.

14 In 1966 members of the public in
15 Jackson, Mississippi took issue with the
16 discriminatory news coverage provided by WLBT
17 Television. That battle between a broadcaster
18 and the public came to Judge, later Chief
19 Justice, Warren Berger. Judge Berger concluded
20 that the representatives of the listening public
21 had the right to intervene in license renewals.
22 In other words, Judge Berger held that you, as

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1 stewards for the American public must take the
2 public's views into account.

3 (Applause.)

4 MS. HINDMAN: In the 1960s Red Lion
5 Broadcasting Company challenged the FCC's
6 interpretation of public interest. In the
7 ensuing Supreme Court case Justice Byron White,
8 who always expected ethical behavior of the
9 media, summarized the answer to today's question
10 concerning ownership rules.

11 He wrote, "It is the purpose of the
12 First Amendment to preserve an uninhibited
13 marketplace of the ideas in which truth will
14 ultimately prevail rather than to countenance
15 monopolization of that market by private
16 licensee."

17 (Applause.)

18 MS. HINDMAN: Far more recently our
19 Court once again articulated your obligations to
20 the public. "In order to change ownership
21 standards, you must have evidence that such
22 changes will benefit the public."

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1 Let me comment briefly on the
2 ownership studies you commissioned, your studies,
3 following the Prometheus case. According to
4 comments filed with you by the Office of
5 Communication incorporated as well as others,
6 your own studies support tightening, not
7 loosening media ownership limits.

8 (Applause.)

9 MS. HINDMAN: Your own studies find
10 that creation of television duopolies reduces
11 diversity by allowing large group owners to
12 increase their holdings and forcing minorities
13 and women out of the market.

14 Your own studies show that radio-
15 television cross-ownership has led to less
16 competition and less diversity and that cross-
17 ownership devotes significantly less time to news
18 programming.

19 Your own studies show that the intense
20 consolidation in radio ownership since 1996 has
21 significantly reduced the number of independently
22 owned outlets, the best measure of viewpoint

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1 diversity.

2 Your own studies cannot provide the
3 percentage of minority and female ownership.
4 Others have concluded those percentages are tiny
5 and disproportionate.

6 Your own studies show that the current
7 rules, much less the proposed rules, do not serve
8 the public interest.

9 (Applause.)

10 MS. HINDMAN: Let me end with one
11 example from here in Washington state, and this
12 comes from one of my graduate students who did a
13 study on this. In May 2006 a lahar warning went
14 out from the American -- I'm sorry -- the
15 Emergency Alert System. A lahar is a mud flow off
16 a volcano. It can have catastrophic effects as
17 you might imagine.

18 Only one 500-watt station played the
19 warning. Because emergency warnings are now
20 voluntary and expensive, other stations did not
21 use it. Thankfully it proved to be a false
22 alarm. Had it been real, several large

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1 Washington state communities in the path of Mt.
2 Rainier could have been devastated with no
3 warning.

4 Commissioners, your stewardship
5 obligation is to act on the public's behalf. The
6 proposed ownership changes are not in the public
7 interest.

8 Thank you.

9 (Applause.)

10 MODERATOR SIGALOS: Thank you, Ms.
11 Hindman.

12 Ms. Kramer.

13 MS. KRAMER: Chairman Martin and
14 members of the Commission, thank you for coming
15 to Seattle.

16 The newspaper and broadcast cross-
17 ownership rules should not be loosened for many
18 reasons. I want to mention three of them.

19 One, we need more competition among
20 news outlets, not less. Cross-ownership
21 encourages multiple media outlets to use the same
22 story, and from a business perspective for a

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1 cross-owner this makes perfect sense. This
2 causes problems for the public who depend on this
3 news because it limits the number of voices and
4 compounds shortcomings.

5 In recent years television stations
6 have increased revenue by treating news as
7 entertainment. Stories are shallower. They
8 become sound bites.

9 (Applause.)

10 MS. KRAMER: Television coverage seems
11 to emphasize visual and sensational aspects of
12 stories. If we combine shallow reporting with
13 cross-ownership, we will have a public that is
14 primarily informed by a few stories.

15 Television news used to be the
16 prestigious hallmark of a broadcasting company,
17 and those days are gone. Now news segments
18 contain less news than printed on a single page
19 of a broadsheet newspaper. For this, for this the
20 public gives up its airwaves?

21 (Applause.)

22 MS. KRAMER: The second problem

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1 created by cross-ownership is a diminished
2 involvement in local issues.

3 I'm honored to serve on this panel
4 with Frank Blethen. His family has been a good
5 steward to this community. He cares deeply about
6 the quality of reporting and allocates
7 substantial and precious resources to community
8 service and improvements. His is a unique and
9 powerful voice.

10 The president of the local
11 broadcasting company is similar to Frank in
12 commitment to the local community, and
13 importantly each, each of these CEOs has been
14 involved in different community organizations and
15 issues.

16 With more cross-ownership the fewer
17 the community organizations that will benefit
18 from direct senior executive involvement and
19 perspective. Suppose you have five cities that
20 are served by a conglomerate owning the majority
21 of television and radio stations and newspapers.
22 Instead of multiple executives who can contribute

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1 to each city, you are more likely to have a
2 single CEO who may be active in each -- in the
3 city of the company's headquarters and a single
4 lead for each market who is busier in a
5 conglomerate than in the local community.

6 The public's volunteer and leadership
7 pools would be poorer because of it. It is not
8 simply the organizations that will be affected,
9 but we will have fewer examples of leadership and
10 fewer opportunities for mentoring and coaching of
11 the next generation of active community leaders.

12 This phenomena is not unique to media,
13 although I've experienced firsthand the effects
14 of consolidation of the non-daily newspapers in
15 Washington state. We can never go back to the
16 way things were, but neither should we lower the
17 barrier to further consolidation, particularly as
18 it relates to such a limited public resource as
19 airwaves.

20 A third reason to limit consolidation
21 is cross-ownership financially hurts communities.
22 Whether you are a broadcast company or a

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1 newspaper your existence depends upon
2 advertising. One of the advantages of cross-
3 ownership is that you can offer prices and
4 saturation to advertisers to expand the monopoly,
5 but eventually lower competition within a market
6 increases advertising cost to retailers.

7 This creates a combined effect. New
8 media startups can't match the package,
9 saturation offered by the conglomerate just can't
10 get advertising revenue. As the cost of
11 advertising increases, only the national retail
12 stores can afford the rates. This hurts the
13 ability of smaller more diverse retailers to
14 survive.

15 When people think of coming to
16 Seattle, even on business, are they inspired to
17 go to the local malls to see the same national
18 stores they can see at home or are they
19 encouraged to see local shops and markets that
20 are unique?

21 (Applause.)

22 MS. KRAMER: Cross-ownership and media

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1 consolidation financially hurts a few -- helps a
2 few, but hurts many. It hurts us financially.
3 It hurts us through fewer voice -- fewer points
4 of view being heard. And it hurts us with fewer
5 leaders to contribute to the community and mentor
6 new leaders.

7 The economic leverage that the FCC has
8 already given to broadcast companies must not be
9 used to further undermine localism and diversity.
10 Today we need the best reporting possible.
11 Things I thought impossible ten years ago are in
12 the news today -- secrets courts, torture, failed
13 policies, dangerous products.

14 (Applause.)

15 MS. KRAMER: We simply cannot expect
16 more and better coverage from fewer
17 noncompetitive conglomerates.

18 In closing, I think I am a typical
19 American. I do not want one company to provide
20 all my food or all my fuel, and I do not want one
21 company to provide all my news.

22 Thank you.

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1 (Applause.)

2 MODERATOR SIGALOS: Thank you. Thank
3 you, Ms. Kramer.

4 Ms. Pearson.

5 MS. PEARSON: Good evening. I'm Pam
6 Pearson, Vice President and General Manager of
7 KCPQ Channel 13 and KMYQ-TV Channel 22, Tribune
8 Broadcasting duopoly in Seattle. I've been with
9 the station for eight years, with the company for
10 22.

11 I began my career in Atlanta at Turner
12 Broadcasting Superstation TBS. It was about the
13 time the company launched CNN, or as it was known
14 back then, "Chicken Noodle News."

15 Clearly, I've seen a lot of changes in
16 our industry as competition and technology have
17 given our audience so many more choices, but one
18 thing has not changed. Even as our competitors
19 in cable and satellite television compete with us
20 for local advertising and finance their program
21 offerings with ever increasing subscriber fees,
22 over-the-air broadcasters have retained our

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1 unwavering commitment to our local communities.

2 When I came to Seattle in 1999 KCPQ
3 had just begun a half hour local newscast at 10
4 p.m. Since then we've grown our newsroom. We now
5 broadcast five hours a day. We're the only
6 station in Seattle/Tacoma to present a full hour
7 of news in prime time and four hours live local
8 news in the morning.

9 Having a duopoly means that when
10 network programming or sports programming runs
11 past 10 o'clock, we can shift the newscast to
12 KMYQ on a second station so our viewers can
13 always depend on us for local news at 10 p.m.

14 We've invested in the latest weather
15 technology, a doppler radar station located on
16 the coast that is able to see weather 24 hours
17 out. We're the only local station with such a
18 location. One that provides information so unique
19 we share it with local public safety agencies to
20 improve their ability to respond.

21 We produce a half hour public affairs
22 show that airs every Friday night in prime time

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1 on KCPQ, our Fox affiliate. In addition to
2 airing a great many --

3 (Booing.)

4 MS. PEARSON: Not owned by Rupert
5 Murdoch.

6 In addition to airing a great many
7 public service announcements, in fact 24 today on
8 the DTB transmission, telethons, and we provide
9 strong support to many charitable and nonprofit
10 organizations. With the assistance of the Robert
11 R. McCormick Tribune Foundation we've established
12 Q13 Fox Cares, a program for our local community
13 that since 1999 has granted over 3 million
14 dollars to this community. The stations in the
15 foundation pick up all costs, so every dollar
16 raised goes directly to help our communities.

17 KCPQ and KMYQ compete everyday with
18 well financed, professionally run group
19 broadcasters, one of which also owns a 24-hour
20 cable news channel in the market, but no one from
21 Tribune's corporate offices and certainly no one
22 from the LA Times or the Chicago Tribune tells

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1 how to cover our news.

2 Being a part of a strong financial
3 media company means we have the financial
4 resources to expand and improve our commitment to
5 news in a very challenging economy. It gives us
6 the ability to convert two full power stations to
7 digital and HDTV that stand-alone stations
8 perhaps could not afford. It gives us access to
9 the best programming to support our stations.

10 Being part of the Tribune family gives
11 us access to award winning local, national, and
12 international journalism from other stations and
13 newspapers in our group whose efforts the station
14 in Seattle could never afford or duplicate for
15 our local audience.

16 Companies that operate newspapers and
17 broadcast stations in the same market have been
18 taken to task by my esteemed colleagues here at
19 the Seattle Times. The Times editorial columnist
20 says, The new economic model is to buy a
21 television station and a newspaper in the same
22 market and cut staff when the two newsrooms are,

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1 quote, smooched together, unquote.

2 My own experience from working in
3 Tribune markets in Chicago and LA -- Los Angeles,
4 where our company also owns newspapers, is we do
5 not combine our newsrooms or smooch them
6 together. Our business units often cooperate,
7 but they run independently to produce the best
8 journalism.

9 All media ownership issues are not
10 equal. Yes, we sometimes draw on our sister
11 publications to bring our viewers the best
12 reporting; thus it was with some irony I noticed
13 yesterday when checking the Seattle Times website
14 the first article I ran across about today's
15 public hearing and our rock star, Mr. Copps, was
16 picked up from our publication, the LA Times.

17 Some of the proudest moments in my
18 life have been our work at television. Back in
19 2001 after the earthquake, I ran downstairs to
20 see how things were doing, and the crew burst
21 back in, back down the hallway where they had
22 been told to go outside, and they got on the air

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1 because that's what local broadcasters do.
2 That's our mission.

3 Thank you very much.

4 MODERATOR SIGALOS: Thank you. Thank
5 you, Ms. Pearson.

6 Mr. Rand.

7 MR. RAND: Chairman Martin and members
8 of the Commission, my name is Jon Rand, and I'm
9 the general manager of KAYU Television in
10 Spokane. We're a small privately held company.

11 Thanks for inviting me here today.

12 As an advocate for medium and small
13 market television whose future depends on a
14 closer look at how stations operate and what it's
15 going to take for them to survive and offer
16 multiple voices in the communities that they
17 serve, the transition to digital television has
18 been and continues to be a costly investment for
19 broadcasters.

20 If you think about it, the capital
21 investment for television stations in tiny
22 markets is the same as it is for major markets.

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1 With little short term upside revenue as a result
2 of going digital, small market broadcasters have
3 struggled financially under the mandated
4 investment.

5 We believe strongly in the notion of
6 keeping a healthy number of viewpoints in the
7 market. In order to keep a myriad of expressions
8 alive, the industry must survive financially.

9 Please consider the Spokane television
10 market a case study of various market forces in
11 play that are at the heart of these deliberations
12 over media consolidation.

13 The station I manage in Spokane is a
14 stand-alone Fox affiliate. We proudly air news
15 seven nights a week at 10 p.m., affording an
16 alternative to three 11 p.m. newscast and another
17 10 p.m. newscast in town. We compete in a market
18 with a grandfathered newspaper-TV cross-
19 ownership, with a TV duopoly owned by a major
20 broadcaster, and with yet another TV station who
21 owns seven radio stations locally.

22 Of the five major TV players in

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1 Spokane, my station KAYU is the only lone wolf in
2 the market. In spite of the competitive
3 landscape, we feel that our station operates on a
4 very level playing field.

5 But there is twist to this story.
6 Until three and a half years ago the station I
7 manage produced its own 10 p.m. news, very
8 unprofitably I must add. From a purely financial
9 perspective it made absolutely no sense for our
10 television station to continue producing news.

11 The solution for us was to reach an
12 agreement with one of our competitors to produce
13 a nightly newscast, one that was different than
14 their very successful news product, but that
15 targeted a younger audience that Fox prime to
16 deliver at 10 p.m.

17 I'm happy to report these 42 months
18 later that KAYU News not only survived, but has
19 risen to a level of market leadership.

20 Research conducted earlier in 2007
21 revealed an interesting phenomenon. One of the
22 questions posed in this research asked

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